761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: October 28, 2004

OFFICE CORRESPONDENCE FILE:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: RICHARD W. SHAW, CAPTAIN
TEMPLE STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, JANUARY 7, 2003, REVIEW #2079492**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on January 7, 2003.

The Committee met on October 26, 2004, and consisted of myself, and Commanders Kenneth Brazile (Commander of the Department) and Robert Binkley (FOR III). The Committee determined that the use of force by Deputy [redacted] #[redacted] was within Department policy. **Please advise the deputy of this finding.**

The Committee recommended that the Unit Commander send all personnel involved in this incident, including the Field Sergeant and Watch Commander, to the Department's Continued Professional Training (CPT) and/or Laser 1 training.

JGJ:KRK:kk

Table of Contents
IAB IV #2114073

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 01/07/03	Bureau/Station/Facility: Temple Sheriff's Station F.O.R. I	Admin. Invest.? ☐	Hit? ☒

Incident Information

URN: 003-00261-0563-013	Date: 01/07/2003 Time: 0012 Hours
City or Station: El Monte	Nature of Incident: Deputies [redacted] and Chu stopped a vehicle for a vehicle code violation. When they contacted the passenger, he fled. Both deputies pursued him. As they pursued the suspect, he produced a handgun. Deputy [redacted] fired one round from his duty weapon striking the suspect.
Location: 1108 S. Peck Road	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, (Industrial), Park, Parking Lot, Residence, Rural, School, Street, Other: Side area next to business

Lighting (*circle only one*): Darkness, Daylight, Other, Street Lights

Weather (*circle only one*): (Clear), Cloudy, Fog, Rain

Distance: 4 Feet

Incident Type (*circle one or more*): Accidental, (Armed Person), (Fleeing Suspect), (Foot Pursuit), Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, (Traffic Stop), Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, Routine Patrol

Total # of Shots Fired by Deputy: 1

Total # of Shots Fired by Suspect: 0

Aero Unit? ☒ Canine Unit? ☒

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	Chu	Alan	W	(EM) PM Day	(Regular) Overtime Off Duty
[redacted]	Baltazar	David		(EM) PM Day	(Regular) Overtime Off Duty
[redacted]	[redacted]	[redacted]		[redacted]	[redacted]

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	City	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		
[redacted]	[redacted]						
[redacted]	[redacted]						

Supervisors

Employee #	Last Name	First Name	M.I	(circle one or more)
[redacted]	Dinh	Minh	G.	(On Duty), Present during shooting, Witness to shooting, Involved in shooting
[redacted]	Allen	Duane	D.	(On Duty), Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Sprauge	Russell	F.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Kunimiro	Allen	T.

PSTD Use Only

SH # SH #2079492

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 003-00261-0563-013

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
01/07/2003	0200 Hrs.		

Employee #	Last Name	First Name	M.I
[redacted]	Gooden	Joseph	M.
[redacted]	Cleary	John	T.
[redacted]	Johnson	Gregory	H.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E #1	S #1	FH	BR	9	Y	Y	GS	AD
S #1	E #1	FH	GL	9	N	N	NN	NN

See Front Side

Officer Involved Shooting
Involved Employee Information

URN: 003-00261-0563-013

Involved Employee

E 1

Employee # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Sex: [redacted] Race: [redacted] | Rank: Deputy Generalist | Unit Assignment: [redacted] | Work Assignment (Unit #, Module, etc.): [redacted]

ShiftTime (*circle only one*): [redacted] | ShiftType (*circle only one*): [redacted] | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☒

Hrs of sleep prior to shooting: [redacted] | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest (circled) | Other Factors: Deputy [redacted] worked a [redacted] shift prior to starting his shift on [redacted]

Age: [redacted] Height: [redacted] Weight: [redacted]

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted]

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Field Training Officer Emp # | Last Name | First Name | M.I.

E __

Employee # | Last Name | First Name | M.I.

Sex: Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: Height: Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E __

Employee # | Last Name | First Name | M.I.

Sex: Race: | Rank | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: Height: Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings:

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

See Other Side

Officer Involved Shooting
Involved Employee Information

URN: 003-00261-0563-013

Involved Employee

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:		Laser Training Date:
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 003-00261-0563-013

Suspect Information

S 1

- Last Name: Barajas, Jr
- First Name: Rafael
- M.I.:
- AKA Last Name:
- First Name:
- M.I.:
- Sex: M
- Race: H
- Street Address: [redacted]
- City: [redacted]
- State & Zip Code:
- Work Phone:
- Home Phone:
- Social Security #: [redacted]
- Driver's License #: [redacted]
- Age: 19
- D.O.B. 04-26-83
- Height: 5'10"
- Weight: 187
- FBI #: [redacted]
- CII #: [redacted]
- Booking #:
- Primary Charge:
- Secondary Charge:
- Coroner Case? ☒
- Coroner Case #: 2003-00199
- Intoxication/Drug Usage? ☐
- Substance Used:
- Armed? ☒
- Apprehended? ☒
- Mental Illness? ☐
- Criminal History? [redacted]
- Vehicle Make:
- Model:
- Year:

S __

- Last Name:
- First Name:
- M.I.:
- AKA Last Name:
- First Name:
- M.I.:
- Sex:
- Race:
- Street Address:
- City:
- State & Zip Code:
- Work Phone:
- Home Phone:
- Social Security #:
- Driver's License #:
- Age:
- D.O.B.
- Height:
- Weight:
- FBI #:
- CII #:
- Booking #:
- Primary Charge:
- Secondary Charge:
- Coroner Case? ☐
- Coroner Case #:
- Intoxication/Drug Usage? ☐
- Substance Used:
- Armed? ☐
- Apprehended? ☐
- Mental Illness? ☐
- Criminal History? ☐
- Vehicle Make:
- Model:
- Year:

S __

- Last Name:
- First Name:
- M.I.:
- AKA Last Name:
- First Name:
- M.I.:
- Sex:
- Race:
- Street Address:
- City:
- State & Zip Code:
- Work Phone:
- Home Phone:
- Social Security #:
- Driver's License #:
- Age:
- D.O.B.
- Height:
- Weight:
- FBI #:
- CII #:
- Booking #:
- Primary Charge:
- Secondary Charge:
- Coroner Case? ☐
- Coroner Case #:
- Intoxication/Drug Usage? ☐
- Substance Used:
- Armed? ☐
- Apprehended? ☐
- Mental Illness? ☐
- Criminal History? ☐
- Vehicle Make:
- Model:
- Year:

S __

- Last Name:
- First Name:
- M.I.:
- AKA Last Name:
- First Name:
- M.I.:
- Sex:
- Race:
- Street Address:
- City:
- State & Zip Code:
- Work Phone:
- Home Phone:
- Social Security #:
- Driver's License #:
- Age:
- D.O.B.
- Height:
- Weight:
- FBI #:
- CII #:
- Booking #:
- Primary Charge:
- Secondary Charge:
- Coroner Case? ☐
- Coroner Case #:
- Intoxication/Drug Usage? ☐
- Substance Used:
- Armed? ☐
- Apprehended? ☐
- Mental Illness? ☐
- Criminal History? ☐
- Vehicle Make:
- Model:
- Year:

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]					
[redacted]	[redacted]		MA[redacted]			
[redacted]	[redacted]		MH[redacted]			
[redacted]	[redacted]		FH/	[redacted]		
[redacted]	[redacted]		FH[redacted]			
[redacted]	[redacted]		FH[redacted]			
[redacted]	[redacted]		FH[redacted]			
[redacted]	[redacted]		[redacted]			
[redacted]	[redacted]		FH[redacted]			
[redacted]	[redacted]		MH[redacted]			
[redacted]	[redacted]		MH[redacted]			
[redacted]	[redacted]		FH[redacted]			
[redacted]	[redacted]		MW[redacted]			
[redacted]	[redacted]		FH[redacted]			
[redacted]	[redacted]		FH[redacted]			
[redacted]	[redacted]		MH[redacted]			

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted]	[redacted]		MH/[redacted]			
[redacted]	[redacted]		MH/[redacted]			
[redacted]	[redacted]		FW/[redacted]			
Ayalo	[redacted]		MH/[redacted]			
[redacted]	[redacted]		MH/[redacted]			
Cardenes	[redacted]		MH/[redacted]			
Smith, Eric	[redacted]		MW/[redacted]			
Rios	[redacted]		MH/[redacted]			

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
Cabrera	Stephen		Emp. # [redacted]			
[redacted]	[redacted]		CHP Emp. # [redacted]			

INVESTIGATIVE SUMMARY

TYPE INCIDENT: **Deputy Involved Shooting (~~non-hit~~)**
IAB FILE: **SH #2079492**
URN: **003-00261-05363-013**

DATE / TIME / LOCATION

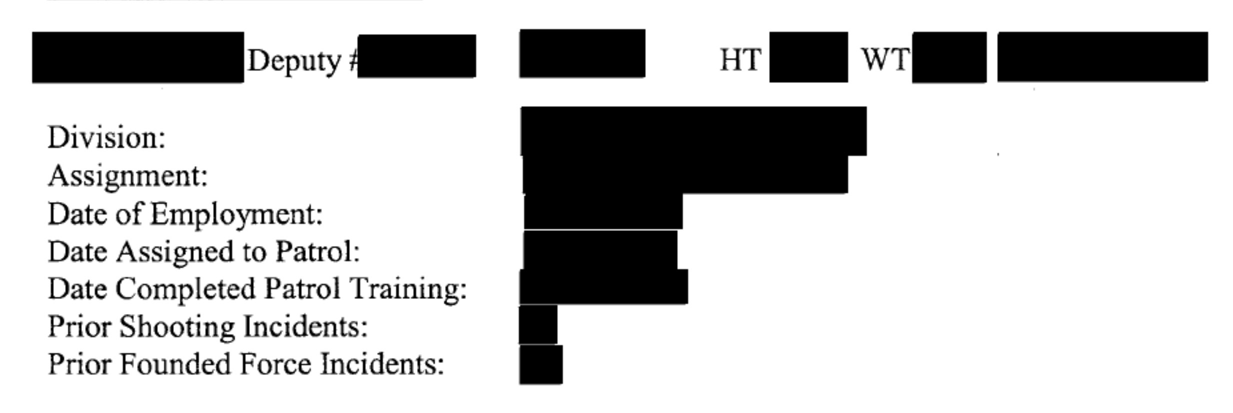
Tuesday, January 7, 2003
0012 hours
1108 Peck Road, El Monte

SYNOPSIS

On January 7, 2003, Deputies [redacted] and Alan Chu [redacted] conducted a traffic stop of Suspect Rafael Barajas (passenger) and [redacted] While attempting to search Barajas, he broke free from Deputy Chu and a foot pursuit began. While running, Barajas began discarding items from his hands. The foot pursuit ended at the east sidewalk of Peck Road. Barajas exhibited a firearm and Deputy [redacted] fired one round, striking and killing Barajas. Deputy Chu, who had been forced to stop and allow a CHP unit to pass, was closing the gap toward Deputy [redacted] when the shooting occurred.

Internal Affairs Sergeants Joe Gooden and John Cleary responded to the area and conducted a review. Lieutenant Greg Johnson and OIR Attorney Stephen Connolly also responded.

INVOLVED PERSONNEL



[redacted] Deputy #[redacted] [redacted] HT [redacted] WT [redacted] [redacted]

Division: [redacted]
Assignment: [redacted]
Date of Employment: [redacted]
Date Assigned to Patrol: [redacted]
Date Completed Patrol Training: [redacted]
Prior Shooting Incidents: [redacted]
Prior Founded Force Incidents: [redacted]

SUSPECT

Barajas, Rafael MH/19 HT 5'10" WT 187 Right Handed

Criminal History:

Suspect Barajas had been [redacted]

WITNESSES

Deputies:

Chu, Alan Employee #[redacted]

Baltazar, David Employee #[redacted]

[redacted] Employee #[redacted]

Civilians:

[redacted]

MO/[redacted]

[redacted]

[redacted]

[redacted]

EVIDENCE:

The following items were recovered at or around the shooting scene.

- (2) tennis shoes, recovered approximately 250' north and west of where the shooting occurred.
- (1) Expended shell casing, head stamped "Win 9mm Luger."
- (1) spoon from a concussion grenade
- (1) pistol, Glock, 10mm, blue steel with black plastic grips, loaded with 14 rounds. No rounds found in the chamber.
- Clothing removed from Suspect Barajas

Recovered from the vehicle Suspect Barajas was the passenger of:

- Baby food jar, wrapped in electrical tape, containing baggie of methamphetamine and narcotic paraphernalia.

IAB NOTE: The above evidence was eventually determined to be the driver's, Mr. [redacted]

IAB NOTE: Exact location where evidence was recovered is contained in **Exhibit A, page 45-48.**

Also noted by the investigators was;

- One pair of handcuffs that had been removed from Suspect Barajas
- (2) blood spots located on the ivy plants, approximately 5 and 8 feet east of the suspects body.

WEAPONS USED BY DEPUTY PERSONNEL

Deputy [redacted]

Weapon: Beretta 9mm, Serial # BE[redacted]Z
Rounds fired: 1

WEAPONS USED BY SUSPECT

Suspect Barajas

Weapon: Glock, 10mm, serial [redacted]
Rounds fired: 0

INJURIES

Suspect Barajas was shot once in the upper torso and died from his injuries. The autopsy showed that the bullet traversed through Suspect Barajas from left to right, back to front.

CRIMINAL CASE INFORMATION

A letter of opinion was issued December 11, 2003 by the Los Angeles County District Attorney's Office. The District Attorney's Office concluded that Deputy [redacted] had acted in self-defense.

LIGHTING AND WEATHER CONDITIONS

The incident occurred at night, the only illumination was street lights. It was noted by witnesses at the scene that the wind was blowing and the air was filled with dust.

EMPLOYEE STATEMENTS

Deputy [redacted] was interviewed on January 7, 2003, by Homicide investigators [redacted] and Barry Hall. Also present during the interview was, Mitch Kandor, Deputy [redacted] attorney. The interview was tape recorded.

Deputy [redacted] said he was in full uniform at the time of the shooting. He had been assigned to unit #[redacted] that night and his partner was Deputy Alan Chu. Deputy [redacted] was the driver and Deputy Chu the bookman.

Deputy [redacted] said he was patrolling southbound on Peck Road when he spotted a Toyota Camry. He is aware that Toyota Camrys were commonly stolen from that neighborhood and he maneuvered his radio car behind the Camry. He noticed that the Camry had an inoperable tail light. He also saw Suspect Barajas throw a lit cigarette from the passenger window. He said the wind was blowing at an extreme rate and he felt that action posed an extreme fire hazard.

Deputy [redacted] said he activated his overhead red light and siren to stop the Camry. The vehicle eventually stopped at Durfee Avenue, west of Peck Road. Deputy [redacted] approached the driverside of the Camry and contacted the driver, [redacted] as Deputy Chu approached the passenger side and acted as the cover deputy. He eventually had [redacted] exit the vehicle and had Deputy Chu place [redacted] in the rear seat of their radio car after he [redacted] had conducted a pat down search.

Deputy [redacted] said he returned to the Camry and contacted Suspect Barajas. Suspect Barajas exited the Camry and was initially cooperative. Suspect Barajas was told to face the Camry and Deputy Chu approached him to conduct a pat down search. When Deputy Chu made physical contact with his left hand against Suspect Barajas' left side, Barajas took off running southbound between the Camry and the radio car. Deputy [redacted] began chasing him on foot, yelling at Barajas to stop. Deputy [redacted] advised SCC that he was in foot pursuit.

Deputy [redacted] said Suspect Barajas ran eastbound on Durfee, then southbound on Peck Road. Deputy [redacted] said Deputy Chu was also chasing Suspect Barajas. He stated that once he arrived at Peck, he was unsure where Deputy Chu was other than he was in the street, on Peck Road, running.

Deputy [redacted] said Suspect Barajas was running with his hands concealed in or at his waistband. Barajas was not pumping his arms as would be expected from someone running. As Suspect Barajas ran southbound on Peck Road, he ran out of his shoes. Deputy [redacted] continued to yell at Barajas to stop and show his hands. Just south of the storage facility, Suspect Barajas stumbled and went to the ground, landing on his hands and knees. Deputy [redacted] continued running toward Barajas to close the distance between the two. He eventually stopped approximately 4 feet from Barajas He was positioned to the rear of Barajas.

Deputy [redacted] said Suspect Barajas began moving about on the ground. Deputy [redacted] did not feel comfortable and began to move backwards away from Barajas. Deputy [redacted] saw Suspect Barajas brace himself on his left hand and raise an object, dark metallic, with his right, pointing the object at [redacted] Deputy [redacted] said he believed the object to be a gun based on its size and shape and the manner in which Barajas was holding it. Fearing for his and his partner's safety, Deputy [redacted] fired one round from his Beretta while continuing to back away from Barajas. Suspect Barajas said something to the effect of "Ouch." Barajas then moved forward with his hands in front and underneath him, in a praying type position.

Deputy [redacted] said he then noticed two CHP officers standing to his right. Both had their weapons drawn and appeared to be covering the suspect. Deputy [redacted] did not know where the CHP officers had come from and was also unaware of Deputy Chu's position during the shooting.

Deputy [redacted] took cover behind a radio car until he was relieved. He was not present when Suspect Barajas was approached and found dead by SEB personnel.

Deputy [redacted] Beretta was examined by Homicide Detectives. It was found to contain 14 live rounds in the magazine and one live round in the chamber.

At subsequent testing of Deputy [redacted] Beretta it was found to have not met manufacturer's specifications. Homicide investigators interviewed Deputy [redacted] regarding modifications to his Beretta. Deputy [redacted] stated that he had not modified the weapon. The weapon was the original weapon issued to him by the Department.

Deputy [redacted] was interviewed on September 4, 2004, by Internal Affairs Sergeant Larry Gregg at the Leadership and Training Division. Deputy Chu was represented by Attorney Mitchell Kander. Prior to the interview, Deputy Chu was provided an opportunity to read and sign the Administrative Rights Force/Shooting Admonition. The interview was digitally recorded.

Deputy [redacted] said He was not Deputy Chu's normally assigned [redacted] He had worked with Deputy Chu once or twice prior to the shooting. He was not aware nor did he see any problems with Deputy Chu's officer safety.

Deputy [redacted] said that after he conducted a pat-down search of the [redacted] he [redacted] placed him in the rear seat of the radio car. [redacted] was not handcuffed.

Deputy [redacted] said that he did not have a conversation with Barajas, after Barajas was removed from his car. He did issue several orders to Barajas which he complied with. He additionally asked Barajas if he had any weapons. Deputy [redacted] said there was no indication that Barajas was about to run until he bolted from the area.

Deputy [redacted] said that when Barajas initially began to run, Deputy Chu was the first person pursuing with him behind Chu, the three were evenly spaced over an approximate 45 foot span. At some point, near Peck and Durfee, Deputy [redacted] passed Deputy Chu. He did not know why he passed Chu but said it was not because Chu was having a problem keeping up. Deputy [redacted] said throughout the foot pursuit, he was alternating yelling at the suspect and broadcasting the foot pursuit. Deputy [redacted] said Deputy Chu did not yell for him [redacted] to stop running, nor did he indicate in any way that he was having difficulty keeping up with the pace of the pursuit.

Deputy [redacted] said he does not remember when he drew his gun but believes it was after Suspect Barajas fell to the ground. He said he did not normally run with his gun drawn. He said he believed Suspect Barajas was most likely concealing a weapon from him as he ran with his hands near his waistband.

Deputy [redacted] said he did see a weapon after Barajas fell onto the curb. He said Suspect Barjas had fallen onto all fours, facing away from Deputy [redacted] Deputy [redacted] was standing behind Barajas, slightly to his left. He said when Barajas fell, he was behind him some distance but as he slowed to a stop, ended up approximately four feet behind Barajas. He then began to back away. Deputy [redacted] said the nearest cover/concealment was the Top Ten Motel, estimated at 200 yards away.

Deputy [redacted] said that as he backed away, Suspect Barajas supported himself with his left hand and raised his right hand to a position under his left armpit. Believing he saw a gun in Barajas' right hand, Deputy [redacted] fired one round from his Beretta. Immediately, Suspect Barajas fell forward, concealing his weapon. Because there was no longer a threat, Deputy [redacted] did not fire a second round.

Deputy [redacted] said the ground where he was standing was level and he did not trip while moving

backwards, away from Barajas. When asked if the shot could have been accidental, he said in no way was it accidental. He saw a threat, felt his life was in danger and fired one round. He said he was not trained to fire a single round. He was trained to fire two rounds to the body followed by one round to the head then reassess the situation.

Deputy [redacted] said he had not modified his weapon since being issued it. He said he did not own any other guns prior to this incident. He has not attended any specialized and/or outside training on firearms. Deputy [redacted] said he did not notice any difference in the way his Beretta fired before and after its repair. He said he was never told that his Beretta did not meet specifications for trigger pull until after this shooting.

IAB NOTE: Deputy [redacted] Beretta was noted with a 8 ½ - 8 3/4 pound trigger pull. Specifications for the Beretta are 12-14 pound trigger pull. The investigator contacted the Department's Armor, Deputy Centofante. Deputy Centofante stated that the trigger spring was a factory spring but the Hammer Spring Cap had been drilled, causing a loosening of the spring tension and a lessor trigger pull.

Deputy Centofante stated that if the gun was a reissued weapon to Deputy [redacted] then it could have been modified by the prior user. If the weapon was new, it was most likely modified by Deputy [redacted] or at his direction. He also stated that the older Beretta's are being returned with a worn spring, lessening the trigger tension.

Logistics was contacted and told the investigator that Deputy [redacted] weapon was a reissued weapon. It had been originally been issued to a Reserve Deputy, Brad Bones, [redacted] Reserve Deputy Bones left County service on June 9, 1995.

Deputy [redacted] said he did not think of moving to Suspect Barajas' right, making it more difficult for Barajas to shoot. He said when he backed away, he believes he did so straight back from the position where his forward momentum had carried him.

Deputy [redacted] said when Suspect Barajas fell, he was not aware of where Deputy Chu was. He believed Chu was still behind and to his left.

Deputy [redacted] said he did think about the Camry's driver, Mr. [redacted] and either during the run or immediately following the shooting, he requested someone check on [redacted] well being.

WITNESS STATEMENT

Deputies

Deputy Alan Chu was interviewed on January 7, 2003, by Homicide investigators [redacted] and Barry Hall. Also present during the interview was Sergeant Joe Gooden from Internal Affairs Bureau. The interview was tape recorded.

Deputy Chu's statement was substantially the same as Deputy [redacted] He added that Suspect Barajas and Deputy [redacted] engaged in conversation after Barajas had exited the Camry. Deputy Chu could not recall what that conversation was.

Deputy Chu said that after Suspect Barajas fled the scene he chased after him. As Barajas was turning southbound onto Peck, it appeared he (Barajas) discarded some items from his hands. As Barajas ran, he kept his hands near his waistband.

Deputy Chu said that Suspect Barajas ran from the west to the east curb line of Peck. Deputy [redacted] was chasing him and Deputy Chu was close to Deputy [redacted] As he crossed peck, Deputy Chu heard engine noise and slowed down, fearing he was about to be struck by a car. A CHP radio car passed by. Deputy Chu then ran to catch up. He could see that Suspect Barajas was on the ground, situated on his hands and knees. Prior to arriving at the scene, Deputy Chu heard one gun shot. He was not sure if Deputy [redacted] or Suspect Barajas had fired a gun.

Once at the scene, Deputy Chu said he saw Deputy [redacted] appeared to be okay. Suspect Barajas said, "Ouch." Suspect Barajas was crouched forward, with his hands under his chest. Believing him to still be a threat, Deputy Chu took cover behind a radio car that had just arrived on scene. Orders were given to Suspect Barajas but he made no response by word or action.

Deputy Chu was eventually relieved by SEB personnel and responded to the command post prior to the apprehension of Suspect Barajas.

Deputy Chu was interviewed on Sptember 4, 2004, by Internal Affairs Sergeant Larry Gregg at the Leadership and Training Division. Deputy Chu was represented by Attorney Mitchell Kander. Prior to the interview, Deputy Chu was provided an opportunity to read and sign the Administrative Rights Force/Shooting Admonition. The interview was digitally recorded.

Deputy Chu said he was in his fourth month of [redacted] on the night of the shooting. Deputy [redacted] was not his regularly assigned [redacted] but the two had worked together approximately twice. Deputy Chu did not believe he was having any problems [redacted] was not on any type of intensified program and finished his [redacted] in the normally prescribed time frame.

Deputy Chu said when Suspect Barajas initially began to run, he (Deputy Chu) was immediately behind him. When Barajas arrived at Peck Road, he turned right and because Deputy Chu was more in the middle of the street and Deputy [redacted] was directly behind Suspect Barajas, Deputy [redacted] then became the lead chaser. Deputy Chu estimated that this was approximately 100 yards into the pursuit.

Deputy Chu said both he and Deputy [redacted] ordered Suspect Barajas to stop numerous times. Deputy [redacted] also advised of their situation over his hand held radio.

Deputy Chu said Barajas ran onto Peck Road passing the Top Ten Motel. He estimated that both he and Deputy [redacted] were approximately five feet behind Suspect Barajas. Barajas continued to run southbound for approximately 300-400 yards. Deputy Chu said he fell back approximately 50 feet before the foot pursuit ended.

Deputy Chu said one reason he fell behind was because he heard sirens behind him, Suspect Barajas had begun running diagonally, eastbound across Peck. Deputy Chu fell back further because he slowed to allow the CHP unit to pass him before he continued the chase. As he continued across Peck, Deputy Chu heard a single gunshot. He said he did not know who fired but assumed it was Deputy [redacted] because he heard Suspect Barajas say, "Ouch." He said when the shot was fired, he was looking at Deputy [redacted] and also saw Suspect Barajas on the sidewalk, supported by his hands and knees. Barajas was facing away from Deputy [redacted] Deputy [redacted] was standing in the #2 traffic lane, approximately one foot north of Suspect Barajas.

Deputy Chu said at the time of the shooting, Suspect Barajas was doing something with his right hand, near his waistband. He could not see exactly what Barajas' right hand was doing. After the shooting, Suspect Barajas moved forward in a praying type position and did not move again.

Immediately following the shooting, Deputy Chu said he again slowed and drew his gun, aiming it at Suspedct Barajas. He said he noticed Deputy [redacted] had his gun drawn at the corner of Peck and Durfee.

Deputy Chu surmised that he did not see Suspect Barajas' gun because of the weather. He said the wind was howling, causing blowing sand and dust.

Deputy Chu said within seconds of the shooting, Deputy [redacted] broadcasted that he had been involved in a shooting.

Deputy Chu said the first assisting unit was the CHP unit. He cannot recall who the first assisting deputy was that arrived on scene.

Deputy Chu said he does not recall what was said between Suspect Barajas and Deputy [redacted] just prior to Barajas running. He said it was not an angry conversation, it was more like [redacted] asking Barajas if he was armed, had anything on him, etc.

Deputy Chu said immediately after the shooting, Deputy [redacted] ordered units to their radio car to check on the welfare of the driver, who had been detained in the rear seat of their car.

Witness Deputy Baltazar was interviewed on January 7, 2003, by Homicide investigators [redacted] and Barry Hall. The interview was tape recorded.

Witness Baltazar said when he arrived at the scene, Deputies [redacted] and Chu were detaining Suspect Barajas at gunpoint. The suspect was on his knees and eventually dropped to a fetal position, face

down with his hands under his chest. He took a position of cover behind his radio car with other deputies and issued verbal orders to Suspect Barajas to present his hands. Barajas did not reply.

Witness Baltazar said that eventually a group of six or so deputies approached Suspect Barajas, deployed a flash-bang and handcuff Barajas. Paramedics then approached to treat Barajas.

Deputy [redacted] was interviewed on January 7, 2003, by Homicide investigators. The interview was tape recorded.

He said he responded to Deputy [redacted] initiation of a foot pursuit. He arrived just after the shooting. He said when he arrived, Suspect Barajas was dropping to his knees. On the ground, Barajas' hands were in front of his body, at about face level.

Deputy [redacted] said he was part of the apprehension team that approached Suspect barajas. He said as he approached a flash bang was thrown about five feet from Barajas. When it deployed, Suspect Barajas did not react and showed no signs of life when he arrived at Barajas' location.

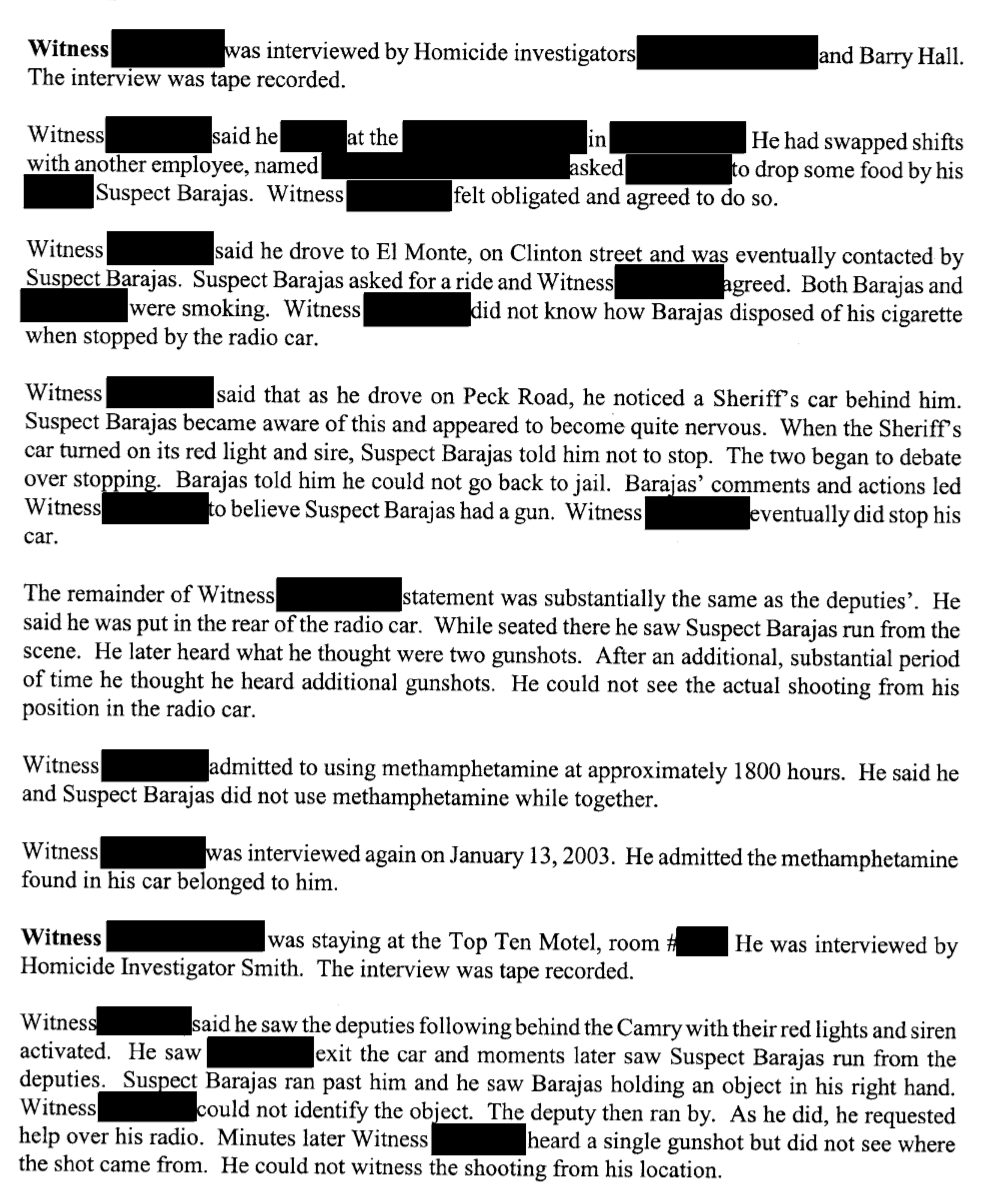
Deputy Stephen Cabrera was interviewed on January 7, 2003, by Homicide investigators. The interview was tape recorded.

He stated substantially the same as his partner, Deputy [redacted] He added that when he arrived, Deputy [redacted] was ordering Barajas to the ground. Barajas was turned away from the deputies and going to the ground. Suspect Barajas fell in a fetal position with his arms underneath him.

IAB NOTE: The remainder of deputy interviews involved the approach to Suspect Barajas. None of the remaining deputies witnessed the shooting.

CHP Officer [redacted] was interviewed on January 14, 2003, by Homicide Investigators Todd Anderson and Richard Longhorn. The interview was tape recorded.

Officer [redacted] said he and Officer [redacted] were partners at the time of the incident. He said he was driving when he noted Deputies [redacted] and Chu's radio car. He did not see the deputies and turned his car around. When he did he saw the deputies chasing Suspect Barajas. He began following the foot pursuit in his radio car. The foot pursuit went across Durfee and he could not follow because of a center median. He moved his car forward to conduct a u-turn and lost sight of the deputies and the suspect. When he returned to the scene the deputies were shining their flashlights. He stopped and the deputies took cover behind his vehicle. He saw the suspect was on the ground, in a face down, fetal position. He said after other deputies arrived, he moved his car to block traffic. He said he heard deputies yelling orders at Suspect Barajas. He never saw Barajas move or comply with their orders.



Civilians

Witness [redacted] was interviewed by Homicide investigators [redacted] and Barry Hall. The interview was tape recorded.

Witness [redacted] said he [redacted] at the [redacted] in [redacted] He had swapped shifts with another employee, named [redacted] asked [redacted] to drop some food by his [redacted] Suspect Barajas. Witness [redacted] felt obligated and agreed to do so.

Witness [redacted] said he drove to El Monte, on Clinton street and was eventually contacted by Suspect Barajas. Suspect Barajas asked for a ride and Witness [redacted] agreed. Both Barajas and [redacted] were smoking. Witness [redacted] did not know how Barajas disposed of his cigarette when stopped by the radio car.

Witness [redacted] said that as he drove on Peck Road, he noticed a Sheriff's car behind him. Suspect Barajas became aware of this and appeared to become quite nervous. When the Sheriff's car turned on its red light and sire, Suspect Barajas told him not to stop. The two began to debate over stopping. Barajas told him he could not go back to jail. Barajas' comments and actions led Witness [redacted] to believe Suspect Barajas had a gun. Witness [redacted] eventually did stop his car.

The remainder of Witness [redacted] statement was substantially the same as the deputies'. He said he was put in the rear of the radio car. While seated there he saw Suspect Barajas run from the scene. He later heard what he thought were two gunshots. After an additional, substantial period of time he thought he heard additional gunshots. He could not see the actual shooting from his position in the radio car.

Witness [redacted] admitted to using methamphetamine at approximately 1800 hours. He said he and Suspect Barajas did not use methamphetamine while together.

Witness [redacted] was interviewed again on January 13, 2003. He admitted the methamphetamine found in his car belonged to him.

Witness [redacted] was staying at the Top Ten Motel, room #[redacted] He was interviewed by Homicide Investigator Smith. The interview was tape recorded.

Witness [redacted] said he saw the deputies following behind the Camry with their red lights and siren activated. He saw [redacted] exit the car and moments later saw Suspect Barajas run from the deputies. Suspect Barajas ran past him and he saw Barajas holding an object in his right hand. Witness [redacted] could not identify the object. The deputy then ran by. As he did, he requested help over his radio. Minutes later Witness [redacted] heard a single gunshot but did not see where the shot came from. He could not witness the shooting from his location.

Witness [redacted] was staying at the Top Ten Motel, room [redacted]

Witness [redacted] said he saw the deputies stop the Camry. As he watched, Suspect Barajas broke free from the deputies and began running away. As Barajas ran by, Witness [redacted] saw something in his hands. He believes it was a sweatshirt.

Witness [redacted] said he watched as Suspect Barajas fell, tripping over the curb and landing on a grassy knoll. The suspect got to his knees, turning toward the deputy. [redacted] then heard a single shot and the deputy saying, "Don't move. Stay down." Those are the only words [redacted] heard the deputy say.

Witness [redacted] said a CHP unit drove by and then made a u-turn and returned to the deputy and suspect.

Witness [redacted] was staying at the Top Ten Motel, room [redacted]

Witness [redacted] interview was substantially the same as Witness [redacted] She added that the item Barajas was carrying was a rolled black t-shirt with buttons.



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
PETER BOZANICH • Assistant District Attorney

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December 11, 2003

Captain Frank Merriman
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbacker Road
Commerce, California 90040

Re: J.S.I.D. File #: 03-0016
L.A.S.D. File #: 003-00261-0563-013

Dear Captain Merriman:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 7, 2003, fatal shooting of Rafael Barajas, Jr. by Los Angeles Sheriff's Deputy [redacted] We conclude that Deputy [redacted] acted lawfully in self-defense and in defense of others.

The following analysis is based upon our review of an investigative file prepared by the Los Angeles County Sheriff's Department (LASD), Homicide Bureau, which includes LASD Homicide Bureau investigative reports, property reports, death investigation reports, firearms and analyzed evidence reports, diagrams of the scene located at Peck Road and Durfee Avenue, South El Monte, summaries of witness statements taken during the investigation, two hundred and sixty-two (262) photographs of the location of the shooting and photographs taken during the autopsy of Mr. Barajas. We have also reviewed various reports prepared by the Los Angeles Department of Coroner. Compelled statements were considered as part of this analysis.

The District Attorney's Command Center was notified of the shooting on January 7, 2003, at 1:45 a.m. District Attorney Senior Investigator Brian Bell and Deputy District Attorney Valerie Aenlle-Rocha immediately responded to the Command Post located at Durfee Avenue and Peck Road, in the City of South El Monte. We received a briefing and "walk through" from Lieutenant Peavy of the Los Angeles County Sheriff's Department, Homicide Bureau.

FACTUAL ANALYSIS

On January 7, 2003, at approximately 12:08 a.m., LASD Deputies [redacted] and Alan Chu were on routine patrol in the City of South El Monte. They attempted to conduct a traffic stop of a 1990 blue Toyota Camry driven by [redacted] Rafael Barajas was in the

front passenger seat. Initially, [redacted] failed to stop. He brought the Camry to a stop a short time later.

Barajas became agitated and concerned when he saw that they were being followed by a black and white sheriff's vehicle. He told [redacted] not to stop after the deputies turned on the overhead red lights and attempted to pull them over. Barajas stated to [redacted] that he was on [redacted] and could not go back to jail. Due to Barajas' manner and movements, [redacted] believed that he was holding a gun.

Although Barajas told him not to stop, [redacted] pulled over. Deputy [redacted] approached the driver side of the vehicle and spoke with [redacted] At Deputy [redacted] request, [redacted] stepped out of his vehicle and was patted down. He was then asked to sit in the rear seat of the deputies vehicle which was behind the Camry.

[redacted] told investigators he was the legal owner of the Toyota Camry. He worked at the [redacted] in [redacted] and was asked by a [redacted] to drop off food to a [redacted] of the [redacted] who was unknown to [redacted] Rafael Barajas. Barajas then asked [redacted] for a ride. [redacted] noticed that when Barajas got into the car he was holding an unknown object in both hands. The object was wrapped in cloth or clothing.

After placing [redacted] in the rear of his vehicle, Deputy [redacted] walked around to the front right passenger side of the Camry. Deputy [redacted] asked Barajas to step out of the car. Before Barajas could be searched for weapons, he ran south on Durfee Road.

Deputies [redacted] and Chu initiated a foot pursuit after Barajas. Deputy [redacted] ordered Barajas to stop and show his hands. The deputies followed Barajas south and then east on Durfee Road. Barajas then turned and ran southbound on Peck Road. Deputy [redacted] saw Barajas run out of his shoes during the chase.

[redacted] told investigators that he was on the second floor balcony of the Top Ten Motel as Barajas ran south on Peck Road. As Barajas ran directly underneath him, [redacted] saw Barajas holding something in his hands that looked like a sweat shirt. Barajas stopped at the fence to the riverbed on the west side of Peck Road, just behind the motel. He attempted to open the gate, but was unsuccessful. Barajas then ran across Peck Road to the unfenced side of the riverbed. Upon reaching the curb, Barajas stumbled and fell to the ground.

When Barajas fell, Deputy [redacted] was approximately four feet behind him. Deputy [redacted] began to move backwards when he saw Barajas move his hands in a furtive manner in front of him on the ground. Barajas braced himself, by placing his left hand on the ground, then turned and pointed a dark metallic object at Deputy [redacted]

Deputy [redacted] saw Barajas move his right hand, which was holding the metallic object, across

his body in a manner consistent with holding a gun. Fearing for his safety and the safety of his partner, who was close behind him, Deputy [redacted] fired one round at Barajas. Barajas fell forward concealing his hands. Deputy [redacted] ordered Barajas to show his hands. Fearing for their safety, Deputies [redacted] and Chu retreated behind cover and waited for backup. An arrest team arrived, approached Barajas and handcuffed him. Soon thereafter, Paramedics responded and pronounced Barajas dead.

Investigators recovered a Glock 10 millimeter semiautomatic pistol, model 20, serial number [redacted] a short distance from the body. The Glock was loaded with fourteen (14) live rounds in the magazine.

On February 8, 2003, Deputy Medical Examiner Ogbonna Chinwah, M.D., performed an autopsy on the body of Rafael Barajas. She ascribed the cause of death to a single fatal gunshot wound to the chest. There was no soot or stippling present.

An analysis of Barajas' post-mortem heart blood indicated the presence of Amphetamine, 0.06 micrograms per millimeter, and Methamphetamine, 0.99 micrograms per millimeter.

At the time of this incident, Rafael Barajas was a documented "Al Capones 13" gang member. He was on [redacted]

LEGAL ANALYSIS AND CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Williams (1977) 75 Cal. App. 3d 731.

In protecting himself or another, a person may use all force and means which he believes to be reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent. California Jury Instructions--Criminal (CALJIC) 5.30 and 5.32.

If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. Actual danger is not necessary to justify the use of deadly force in self-defense. The right of self-defense is the same whether the danger is real or merely apparent. People v. Toledo (1948) 85 Cal. App.2d 577.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight....The calculus of

reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments--in circumstances that are tense, uncertain, and rapidly evolving--about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) U.S. 386, 196-397, 104 L. Ed.2d 443, 109 S. Ct. 1865.

Barajas was on [redacted] and was in possession of a firearm, a violation of his [redacted] He urged [redacted] to ignore the deputies attempt to stop the car and said that he was not going to return to jail. Barajas fled from Deputies [redacted] and Chu as he was asked to step out of the car. He ignored commands to stop, refused to surrender, and instead pointed a firearm at Deputy [redacted] Deputy [redacted] responded to the immediate lethal threat to his partner and to himself by firing his weapon. The danger posed by Barajas necessitated an immediate response.

It is the conclusion of this office that Deputy [redacted] acted lawfully in self-defense and in the defense of others. Accordingly, we will take no further action in this matter. Our file is now closed.

Very truly yours,

STEVE COOLEY
District Attorney

By Valérie C. AenlleRocha

VALÉRIE C. AENLLE-ROCHA
Deputy District Attorney
(213) 974-4631

c: Deputy [redacted] # [redacted]